

2008SP-013G-14

McCrorry Creek

Map: 096-00 Parcels: 020, 021, 022, 023, 025, 026, 045, 046, 048

Map: 108-00 Parcels: 042.01, 043, 044, 044.01, 045, 047, 151

Subarea 14

Council District 14 - Bruce Stanley

A request to rezone from CS and R10 to SP-MU zoning for the McCrorry Creek development located at 559, 635, 637, 761, and 851 McCrorry Creek Road, McCrorry Creek Road (unnumbered), 2984 and 2998 Elm Hill Pike, Elm Hill Pike (unnumbered), and Neilworth Lane (unnumbered), on the south side of McCrorry Creek Road north of I-40 (219.36 acres), to permit approximately 2.7 million square feet of office and retail/commercial space, requested by LandDesign, Inc., applicant, for Thomas C. Scott, Trustee, M.C. Whitworth, Trustee, Edward and Debra Lynn Crutchfield, Grassmere Partners, and John Robert Seaborn, et ux, owners. (See also Proposal Nos. 2005P-034G-14 and 110-84-G-14, and Proposal No. 2008CP-005G-14).

Staff Recommendation: Approve with conditions**APPLICANT REQUEST - Preliminary SP**

A request to rezone approximately 185.94 acres located at 559, 635, 637, 761, and 851 McCrorry Creek Road, McCrorry Creek Road (unnumbered), 2984 and 2998 Elm Hill Pike, Elm Hill Pike (unnumbered), and Neilworth Lane (unnumbered), on the south side of McCrorry Creek Road north of I-40 from Commercial Service (CS) and One and Two-Family (R10) to Specific Plan (Mixed-Use) SP-MU zoning to permit 2,700,000 square feet office and retail/commercial space.

Existing Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Build Out Under Current Zoning Currently the approximately 185.94 acres within the proposed SP district (all acreage is based on Metro GIS records) is zoned CS and R10, and approximately 94.17 acres is located in two separate Planned Unit Development overlay districts (PUD). The McCrorry Creek Business Park PUD, which encompasses all the properties zoned CS, was approved in 2005 for 735,000 square feet of office space, and the Niagara Place PUD was approved in 1984 for 90 single-family lots. The remaining 91.77 acres is zoned R10, and could produce approximately 531 lots with 106 duplex lots for a total of 531 new housing units. (See Build-Out table below)

| BUILD-OUT | Acres | Development Rights |
|--------------------|-------|------------------------|
| MCCrorry Creek PUD | 69.09 | 735,000 Sq. Ft. Office |
| Niagara Place PUD | 25.08 | 90 Single-Family Units |
| R10 | 91.77 | 531 Residential Units |

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

DONELSON/HERMITAGE/OLDHICKORY COMMUNITY PLAN**Existing Land Use Policies**

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Residential Medium (RM) RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include

compact, single-family detached units, town-homes, and walk-up apartments.

Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Proposed Land Use Policies The SP proposes uses that are not entirely consistent with the existing land use policies. The applicant has also filed an application to amend the existing policies (2008CP-005G-14). For the proposed SP to be consistent with land use policies, the policies must be amended.

Office Concentration (OC) OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

Special Policy Will allow for hotels within certain areas of the Office Concentration policy.

Mixed Use (MU) MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy? Yes. The SP document guides development in a manner that is consistent with the proposed policies.

PLAN DETAILS

General The approximately 185.94 acres proposed for development consists of 16 properties located south of McCrory Creek Road between Elm Hill Pike and Stewarts Ferry Pike. The properties are adjacent to Interstate – 40 and just northeast of the Nashville International Airport.

The majority of the land is fairly level with some rolling hills and steep slopes consisting of dense woods, pasture and some single-family residences. A tributary of McCrory Creek bisects the area closer to the west property boundary, and numerous sinkholes are located on the site. Three small cemeteries are also located on the site.

The area proposed for development is adjacent existing residential neighborhoods to the north and the east. McCrory Creek Road which runs along the northern boundary of the proposed development is a narrow, hilly and winding road which is not suitable for additional development without being upgraded. The development will essentially turn its back to McCrory Creek Road, and will not access or address any portion of the existing roadway. The development will also not connect to the north or east with the exception of pedestrian connections. While Planning typically encourages connectivity, intensity of the proposed office park is not directly compatible with the adjacent low-density residential uses so the plan has been designed to preserve the character of McCrory Creek Road, and buffer the adjacent residential properties from the development.

Pattern Book The SP does not propose any specific layout, but provides the foundation for future development within the district. The plan was created this way in order to allow for flexibility of development under a unified and controlled concept. To accomplish this, the plan consists of a pattern book which will become the regulating document. The document provides a master plan, specifies bulk and lot standards, access, street and parking standards, landscaping and buffer standards and architectural, sign and lighting standards. The plan sets up a Design Review Committee (DRC) which will be responsible for reviewing all proposed development to ensure that all

buildings meets all standards found in the document. The DRC will be set up by the developer, and its review will be in addition to review by Metro Planning. The plan also provides information and standards regarding blasting including identifying which homes in the area will be given a pre-blast survey.

The overall concept is for an interconnected, walkable, mixed-use office park that will provide a large amount of high-end office space and supporting office-services, retail and commercial space. The total build-out will be limited to 2,700,000 square feet of office, office services, retail and commercial including restaurants and day care services.

Master Plan While there is no specific building layout, the document provides a master plan, which identifies use districts, and how the development will be accessed. The plan identifies four separate districts, which are listed in order of intensity: Office Campus, Mixed-Use, Office/Service Center and Greenways, Pocket Parks and Trails. Access is to be provided from a new public roadway, which will become McCrory Creek Boulevard and will run between Stewarts Ferry Pike and Elm Hill Pike.

The four use districts are broken down into 15 individual parcels that range in size from 1.3 acres to over 25 acres. Thirteen parcels are dedicated to the most intense use - Office Campus that makes up a majority of the site. The Mixed-Use District will be located south of the new boulevard. The Mixed-Use District was originally adjacent McCrory Creek Road, but was relocated further south from McCrory Creek Road to address community concerns. The Office/Service Center District will be located on two parcels at the entrance along Elm Hill Pike. The last district is Greenways, Pocket Parks and Trails and will be located in various areas throughout the development.

District Standards The specific development standards will determine how each parcel ultimately will be developed. Each of the districts has its own separate list of allowed uses, and lot standards. Architectural standards are also included and will be discussed below in this staff report. All final site plans will be approved by the Metro Planning Commission, and building plans for permit issuance will be reviewed by Metro Planning staff.

Office Campus (District A) The Office Campus District will provide a large amount of high-end office space and is intended for corporate headquarters and intense office uses and secondary supporting uses. The districts will be connected to other areas in the development by streets, sidewalks and pedestrian pathways.

Allowed uses include:

- Class A Office (General)
- Medical Office
- Limited Commercial (office support)
- Retail
- Restaurant
- Fitness Center
- Civic Buildings
- Day Care
- Hotel (Parcels A-10, 11, 12 and 13 only)

Setbacks and other standards:

- Setback from McCrory Creek Boulevard: Buildings directly adjacent to McCrory Creek Boulevard shall be 20' max, and buildings not directly adjacent to McCrory Creek Boulevard shall be 50' max.
- Setback from Old McCrory Creek Road: 50' min
- Front Setback: 20' min, 50' max
- Side Setback: 20' min
- Rear Setback: 50' min
- Height: 7 stories max
- Impervious Surface Ratio (ISR): 0.9
- Open Space: 10% min

Mixed-Use (District B) The Mixed-Use District is intended to provide additional uses that will support the office uses. The district will provide for a mixture of retail, office and eateries that will be connected by streets, sidewalks,

shared plazas and open space. The district will also be connected to other areas in the development by streets, sidewalks and pedestrian pathways.

Allowed uses include:

- General Office
- Medical Office
- Commercial
- Retail
- Restaurants
- Conference Rooms
- Day Care
- Civic Buildings
- Amenities

Setbacks and other standards:

- Setback from McCrory Creek Boulevard: 12' min, 20' max
- Front Setback: 12' min, 20' max
- Height: 1.5 min. 5 stories max
- Impervious Surface Ratio (ISR): 0.9
- Open Space: 10% min

Office/Service Center (District C) The Office/Services Center District is intended to provide a transition from Elm Hill Pike into the more dense office areas. The two districts will allow less intense office space, distribution and uses that require showrooms and storage space. The districts will also be connected to other areas in the development by streets, sidewalks and pedestrian pathways.

Allowed uses include:

- General Office
- Medical Office
- Office/Distribution/Warehouse
- Retail

Setbacks and other standards:

- Setback from McCrory Creek Boulevard: 20' min, 50' max
- Setback from Elm Hill Pike: 20' min, 50' max
- Side Setback: 20' min
- Height: 3 stories max
- Impervious Surface Ratio (ISR): 0.8
- Open Space: 10% min

Greenways, Pocket Parks and Trails (District D) The Greenways, Pocket Parks and Trails District will provide green, open-air areas for recreation and relaxation and also allow for pedestrian movement along paths other than sidewalks. Along with the street sidewalk system, employees of the office park and visitors will have the option of moving within the development without having to get in an automobile. The system will also provide pedestrian connections to adjacent residential neighborhoods giving the surrounding neighbors the opportunity to enjoy the amenities of the development.

A future greenway trail is designated along McCrory Creek that is north of the site, and a small tributary to McCrory Creek bisects the property. A greenway trail will be located adjacent the tributary and will allow for a pedestrian connection to the region when the Metro Greenway system is completed.

Access/Streets/Parking and Traffic Access is to be provided from a new public street which will become McCrory Creek Boulevard. It will run between Stewarts Ferry Pike and Elm Hill Pike and will replace a section of McCrory Creek Road near Stewarts Ferry Pike. The plan anticipates the proposed extension of Harding Place, and if ever constructed, will allow for additional access directly from the development to Interstate – 40.

No district will have direct vehicular access to McCrory Creek Road or the adjacent Waterfalls Park Subdivision, but pedestrian connections will be made to the north which will allow adjacent residents the opportunity to utilize the amenities of the development without having to drive. The northern connections will be located near the intersections of Boulder Park Drive and McCrory Creek Road, and Jonesboro Drive and McCrory Creek Road. Pedestrian connections were originally shown to the existing stub streets in the Waterfalls Park Subdivision at Falls Creek Drive and Niagara Drive, but were removed to address community concerns.

Each district will have open parking, and will also have on-street parking. All parking areas will be located to the rear and sides of all buildings, and no front parking will be allowed. Parking areas will be screened from street view by landscaping, architectural features such as masonry walls and building locations. Total required parking spaces will be based on Metro Zoning requirements. On-street parking will also count towards parking requirements when the spaces are directly adjacent subject parcel.

The development will increase traffic in the area, and a traffic study has been conducted. In order to mitigate traffic and increase the existing network's capacity, numerous off-site traffic improvements will be required. Specific requirements are in the Public Works' section of this report.

Landscaping and Buffering Landscaping and landscape buffers will be utilized to "enhance pedestrian areas and to guide views towards shared amenities or to shield views from adjacent residences or toward nuisance areas such as parking or service areas." Landscaping will also be utilized to soften the environment along streets and, where feasible, existing trees and vegetation will be maintained.

A 50 foot wide Standard – D Buffer Yard will be provided along the entire northern property boundary adjacent McCrory Creek Road, and the eastern property boundary adjacent Water Falls Park subdivision. The buffer will reduce the impact of the development on the surrounding neighborhoods. While the buffer yards will not completely make the development invisible from adjacent areas, it will greatly reduce its visibility, as well as help buffer noise and light. In addition to the 50 foot wide buffer that is required some buffer areas will likely be wider than 50 feet, and will also utilize the existing topography to help minimize disturbance of adjacent residential areas. A majority of the perimeter area is heavily wooded and consists of mature trees. The use of existing trees in the buffer will greatly increase the buffers effectiveness.

In addition to the buffer yards and building setbacks, a height control plane will also help reduce the development's visibility from the adjacent residences, reducing its impact. Setbacks along McCrory Creek Road and the eastern property boundary adjacent Water Falls Park subdivision will be a minimum of 50 feet. With the 50 foot wide buffer buildings will be setback at least 100 feet from McCrory Creek Road and Water Falls Park subdivision. The height control plane will ensure that buildings heights do not tower over McCrory Creek Road and Water Falls Park. The height control plane requires that building may only be 20 feet tall at the setback from McCrory Creek road and Water Falls Park subdivision, and that the building may rise an additional 1.5 feet for every one foot off the setback.

Architectural/Sign/Lighting Standards To help ensure that all structures in the development are compatible and are of high-quality construction the document provides architectural design guidelines. The guidelines address aspects of building design and building presence along public areas. The guidelines speak to primary entries and primary facades, essentially requiring primary entries to be accessed on primary facade. The architectural design guidelines also present acceptable color palette and materials requirements.

The document includes signage standards for ground and building signs. The guidelines ensure that signs do not dominate the landscape, and that size, placement and materials are compatible with the overall development. A list of prohibited signs is included at the beginning of the signage standards. Ground signs will be limited to monument-style signage, which is generally short in profile and is longer in width than in height. The mixed-use districts are allowed free standing signs and building signs. Building sign standards require locating signage within a sign band which is created by buildings' architectural features.

Lighting standards are provided in the document and ensure that adequate lighting is provided and that it is compatible with buildings in the development. The standards also address light pollution, and utilize standards found in the Metro Zoning Code for the maximum number of foot-candles that can spill over property boundaries.

Analysis Because of the close proximity of the airport and easy access to the interstate, the property is a prime

location for a mixed-use development such as the one proposed. The proposed SP will provide for a large-scale, well-connected, high-end, mixed-use office park. While no specific layout is proposed, the document provides the district with flexibility in development while ensuring that all development will be coordinated, design will be consistent and its impact to surrounding areas will be minimized.

The district aspires to be a true mixed-use development providing places to work, shop, play and live, but is lacking one the most important ingredients: residential. The original concept included a residential component, but was removed due to voiced concerns from the community and the area's councilmember. While not having residential will not overly compromise the integrity of the development, the addition of a residential component would greatly improve it.

Allowing for residential uses in a development such as this has many benefits. Most importantly it provides workers with places to live that are within close proximity of their jobs. This helps decrease traffic by allowing people the opportunity to walk to and from work and provides for a healthier life style. While including residential uses will not remove all traffic, it can cut down on the total number of daily trips.

The community and councilmember have expressed that the area is saturated with apartments, and that the area does not need any additional apartments. They have also expressed concerns over the type and quality of possible residential products in the development.

A residential component does not necessarily mean apartments, and the district could allow for residential uses, but prohibit stand-alone apartment structures. Apartments would be a good fit for a development of this type, but town-homes, and flats above ground floor retail and commercial would also benefit the district. Metro cannot regulate whether residential units are owner-occupied or rented, but architectural standards can be used to ensure that residential products are constructed to a high standard.

The SP document includes an extremely limited list of permitted uses for each district. To ensure that there is an appropriate mixture of uses, more uses should be permitted. The SP document should cover permitted uses more thoroughly, and a detailed use table should be developed for the document.

While there will be no direct road connections from the development to McCrory Creek Road or the adjacent Waterfalls Subdivision, connectivity is still important. The development will provide many amenities that will attract local residents and in the absence of direct road connectivity pedestrian connectivity should be provided. Pedestrian connectivity is provided to the north, but the two pedestrian connections have been removed to the east. These two connections are important and should be placed back into the plan, and it is likely that without them, people will make their own.

The overall concept included in the applicant's plan for the sign standards are sound and should provide business the opportunity to adequately identify themselves in a way that is compatible with the overall development and does not overwhelm the pedestrian environment. While the concept is sound, more detail is need to ensure that the concept can be achieved. Additional details should specifically address height and size limits.

The plan allows identifying monuments to attach to each ground sign and could have a maximum height of 15 feet. This is sufficient as long as the monument feature is less than 20% of the width of the entire sign structure and that no tenant signage is displayed on the identity monument, unless it is placed entirely below the 6 foot maximum. Minimum spacing requirements for monument signs should also be specified in the document.

Building sign standards require locating signage within a sign band for mixed-use areas. Minimum and maximum heights should be specified, preferably between 15 and 25 feet above grade. For signage alignment purposes, this sign band should be clearly identified when buildings are submitted to Planning for final site plan and permit approval. For projecting signs, the maximum area should be less than 20 square feet, not 75 as stated by the document.

Overall, the district provides a sound concept and the regulating document will ensure that the development is well coordinated and that construction types are compatible. While Planning Staff does have minor issues with the plan, staff can recommend approval with the condition that these issues are resolved prior to approval at Council (see conditions below).

STORMWATER RECOMMENDATION Approve

PUBLIC WORKS/TRAFFIC RECOMMENDATION

1. Plan appears to propose roadway construction within a parcel that is not part of the submitted plan/zone change.
2. Prior to site development, focused traffic studies are required to determine intersection layout and roadway geometry.
3. Prior to site development, a geotechnical study is required, including recommendations for construction materials and techniques to support proposed roadways with fill material over and around any existing sinkhole / depressions. The geotechnical study is to evaluate and make recommendations for proper design, incorporating live loads based on AASHTO HS20-AML, earth load, and lateral earth pressure.
4. Street Network –
 - a. Internal Streets: Construct non-residential local streets per standard drawing ST-260.
 - b. Boulevard: Construct non-residential divided street per standard drawing ST-262; construct six (6') foot grass / furnishing area with eight (8') foot sidewalk.
5. Locate required stormwater detention / water quality outside of the public right of way.
6. Locations of curb cuts and median breaks are to be approved by the Department of Public Works with the submittal of final site design plans.
7. Tennessee Department of Transportation approval is required prior to development regarding the proposed Harding Extension. Submit interchange justification study.

Maximum Uses in Existing Zoning District: CS, R10 and two separate PUDs

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------|--------|---------|------------|-----------------------|--------------|--------------|
| Single family detached(210) | 218.86 | N/A | 551* | 4,999 | 396 | 498 |

* Includes 90 single-family lots in approved PUD

Maximum Uses in Existing Zoning District: CS, R10/ and two separate PUDs

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|--------|-----|------------------|-----------------------|--------------|--------------|
| General Office (710) | 218.86 | N/A | 735,000 | 6,198 | 926 | 906 |

* Includes 90 single-family lots in approved PUD

Maximum Uses in Proposed Zoning District: SP

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------|--------|-----|------------------|-----------------------|--------------|--------------|
| General Office (710) | 218.86 | N/A | 2,428,000 | 15,554 | 2,407 | 2,799 |

Maximum Uses in Proposed Zoning District: SP

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------|--------|-----|------------------|-----------------------|--------------|--------------|
| Shopping Center (820) | 218.86 | N/A | 270,000 | 12,952 | 285 | 1,206 |

Change in Traffic Between Typical and Maximum Uses in Existing and Proposed Zoning District

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------|-------|----|--|--------------------------|-----------------|-----------------|
| -- | | | | 17,309 | 1,370 | 2,601 |

FIRE MARSHAL RECOMMENDATION Approved based on no construction being done with this application. Fire hydrant flow data will be required before a building permit can be issued, if construction is to be done.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed Specific Plan meets the proposed policies.

CONDITIONS

1. Direct pedestrian access shall be provided from the development to the Waterfalls Subdivision. Access points shall be located at the western terminus of Falls Creek Drive and Niagara Drive.
2. Prior to final Council approval a more detailed list of permitted uses shall be incorporated into the document.
3. Prior to final Council approval the note on the Master Site Plan referring to the distribution of floor area shall be modified to adequately address the subject.
4. Note specifying where front setbacks in the Office Campus, Mixed-Use, and Office/Service Center districts are to be measured from shall be modified to address private streets and public streets.
5. Note on page 26 regarding “tree density bonus” shall be approved by the Metro Urban Forester prior to final approval by Council. Note shall be modified or omitted as directed by the Urban Forester.
6. A note shall be added to page 48 and 49 stipulating (Signage) that the sign panel on ground signs shall not be taller than 6 feet, and that 20% of the sign structure shall have a max height of 15 feet.
7. Multi-tenant ground signs shall have an individual size limit per sign. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
8. A total size limit shall be stated for signs permitted at the base of office buildings. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
9. Way finding signs shall be limited to a maximum size of 10 square feet.
10. A phasing plan shall be developed and included in the document.
11. Prior to site development, focused traffic studies are required to determine intersection layout and roadway geometry.
12. Prior to site development, a geotechnical study is required, including recommendations for construction materials and techniques to support proposed roadways with fill material over and around any existing sinkhole / depressions. The geotechnical study is to evaluate and make recommendations for proper design, incorporating live loads based on AASHTO HS20-AML, earth load, and lateral earth pressure.
13. Street Network –
 - a. Internal Streets: Construct non-residential local streets per standard drawing ST-260.
 - b. Boulevard: Construct non-residential divided street per standard drawing ST-262; construct six (6') foot grass / furnishing area with eight (8') foot sidewalks.

14. Tennessee Department of Transportation approval is required prior to development regarding the proposed Harding Extension. Submit interchange justification study.
15. Uses are limited to all uses permitted in the MUI zoning district unless otherwise prohibited in the regulating plan.
16. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application. *This note shall be added to the SP documents.*
17. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
18. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
19. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Resolution No. RS2008-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-013G-14 is **APPROVED WITH CONDITOINS, including revised Public Works conditions received May 21, 2008. (10-0)**

Conditions of Approval:

1. Direct pedestrian access shall be provided from the development to the Waterfalls Subdivision. Access points shall be located at the western terminus of Falls Creek Drive and Niagara Drive.
2. Prior to final Council approval a more detailed list of permitted uses shall be incorporated into the document.
3. Prior to final Council approval the note on the Master Site Plan referring to the distribution of floor area shall be modified to adequately address the subject.
4. Note specifying where front setbacks in the Office Campus, Mixed-Use, and Office/Service Center districts are to be measured from shall be modified to address private streets and public streets.
5. Note on page 26 regarding “tree density bonus” shall be approved by the Metro Urban Forester prior to final approval by Council. Note shall be modified or omitted as directed by the Urban Forester.
6. A note shall be added to page 48 and 49 stipulating (Signage) that the sign panel on ground signs shall not be taller than 6 feet, and that 20% of the sign structure shall have a max height of 15 feet.

7. Multi-tenant ground signs shall have an individual size limit per sign. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
8. A total size limit shall be stated for signs permitted at the base of office buildings. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
9. Way finding signs shall be limited to a maximum size of 10 square feet.
10. A phasing plan shall be developed and included in the document.
11. Prior to site development, focused traffic studies are required to determine intersection layout and roadway geometry.
12. Prior to site development, a geotechnical study is required, including recommendations for construction materials and techniques to support proposed roadways with fill material over and around any existing sinkhole / depressions. The geotechnical study is to evaluate and make recommendations for proper design, incorporating live loads based on AASHTO HS20-AML, earth load, and lateral earth pressure.
13. Street Network –
 - Internal Streets: Construct non-residential local streets per standard drawing ST-260.
 - Boulevard: Construct non-residential divided street per standard drawing ST-262; construct six (6') foot grass / furnishing area with eight (8') foot sidewalks.
14. Tennessee Department of Transportation approval is required prior to development regarding the proposed Harding Extension. Submit interchange justification study.
15. Uses are limited to all uses permitted in the MUI zoning district unless otherwise prohibited in the regulating plan.
16. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application. *This note shall be added to the SP documents.*
17. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
18. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
19. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-MU district is consistent with the newly approved Donelson/Hermitage/Old Hickory Community Plan's area Office Concentration, Mixed-Use, Natural Conservation and special policies."